

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOSHUA FOSTER et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:18cv50-HSO-JCG

**HUNT SOUTHERN GROUP,
LLC et al**

DEFENDANTS

**ORDER REOPENING CASE, LIFTING STAY, AND SETTING DEADLINE
FOR REASSERTING DAUBERT AND DISPOSITIVE MOTIONS**

Before the Court is a Motion [289] by Defendants Hunt Southern Group, LLC, Forest City Residential Management, LLC, and Hunt MH Property Management LLC (collectively “Defendants”) to reopen the present case, lift the stay, reassert *Daubert* motions, and reassert dispositive motions.

The Court begins with a brief recitation of the relevant procedural history. On September 12, 2019, District Judge Louis Guirola, Jr. issued a memorandum opinion and order granting summary judgment in favor of Defendants in the bellwether case, *Michael Yarbrough, Jr., et al. v. Hunt S. Grp., LLC et al.*, No. 1:18-cv-51-LG-RHW (S.D. Miss. Sept. 12, 2019). On December 2, 2019, the present case and related cases were stayed pending the outcome of *Yarbrough* on appeal. Order [240]. By extent, all motions outstanding at that time were denied without prejudice and subject to refiling after the *Yarbrough*-related stay was lifted. On November 12, 2020, the Fifth Circuit upheld Judge Guirola’s decision in a concise, unpublished opinion. *See Yarbrough v. Hunt S. Grp., LLC*, 836 F. App’x 238 (5th Cir. 2020). Finally, the present

case was administratively closed for statistical purposes on February 12, 2021. Order [240].

Considering recent developments and in line with its previous Orders, the Court will reopen the present case, lift any stay, and allow the parties to refile any Daubert or dispositive motion that was previously denied without prejudice after entry of the stay. Regarding those motions, the parties are permitted to refile any such motions subject to the following conditions. First, the parties may not include any new subject matter or seek new relief. Second, the parties may, however, account for and address any new legal authority, such as new case law. Finally, all such motions must be filed no later than May 14, 2021; responses and replies are due in accordance with the Court's rules.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' Motion [289] to reopen the case, lift the stay, reassert Daubert motions, and reassert dispositive motions is **GRANTED**.

SO ORDERED this the 29th day of April 2021.

/s/ John C. Gargiulo

JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE